

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST)
COMPANY, AS TRUSTEE FOR J.P.)
MORGAN ACQUISITION TRUST 2000-)
CH3, ASSET BACKED PASS-THROUGH)
CERTIFICATES, SERIES 2007-CH3,)

Case No.: 2:14-cv-01509-GMN-CWH

ORDER

Plaintiff,

vs.

SYLVIA ABREGO; PHILIP A.)
SYPNIEWSKI; CHARISSE RANDOLPH;)
and DOES 1-10, inclusive,)

Defendants.

Pending before the Court is the Motion to Remand (ECF No. 9) filed by Plaintiff Deutsche Bank National Trust Company (“Plaintiff”). Defendant Charisse Randolph (“Randolph”) filed a Response (ECF No. 10), and Plaintiff filed a Reply (ECF No. 11).

Plaintiff contends that the instant action should be remanded to state court on the basis that the removing party, Defendant Charisse Randolph, is a Nevada citizen. (Mot. to Remand 3:17–4:5). On September 17, 2014, Randolph removed this action from state court on the basis of diversity jurisdiction, 28 U.S.C. § 1332. (*See* Petition for Removal, ECF No. 1). Although Randolph does not allege her residency in the Notice of Removal, her address is listed as 889 Rainbow Blvd. #511, Las Vegas, NV 89145. (*Id.* 1:1–3). Furthermore, Randolph does not contest that she is a resident of Nevada. (*See* Response).

Section 1441(b)(2) of Title 28 of the United States Code provides that “[a] civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is

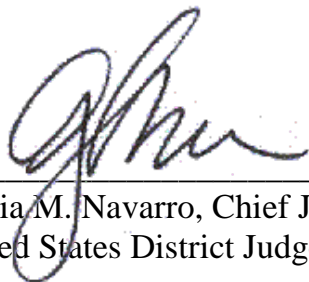
1 a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b)(2). Accordingly,
2 because Randolph concedes that she is a resident of Nevada, she may not remove this action to
3 federal court in Nevada. Therefore, this Court lacks subject matter jurisdiction under 28 U.S.C.
4 § 1332, and the case must be remanded to state court.

5 **IT IS HEREBY ORDERED** that the Motion to Remand is **GRANTED** and this case is
6 hereby remanded to Las Vegas Justice Court. The Clerk of the Court shall remand this case
7 back to state court and thereafter close this Court's case.

8 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike (ECF No. 13) is
9 **DENIED as moot.**

10 **DATED** this 12th day of February, 2015.

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Gloria M. Navarro, Chief Judge
United States District Judge